

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

---

JANICE J. HERR, individually and as  
Special Administrator on behalf of the  
Estate of Richard J. Herr, Deceased,

Plaintiff,

v.

Case No. 10-C-1114

LINDE LLC, et al.

Defendant.

---

**Request for Ruling on Plaintiff's Objection to Dispositive Motion and Motion to Strike and Motion for Leave to Respond to Defendant's Motion for Summary Judgment if Plaintiff's Motion to Strike is Denied**

**Request for Ruling**

Plaintiff moves this Court for a ruling on Plaintiff's Objection to Dispositive Motion and Motion to Strike, filed April 1, 2015 (Doc. No. 27, Ex. 1.) In support thereof Plaintiff states the following:

1. Defendant Linde filed a dispositive motion entitled "Motion for Summary Judgment" filed on March 25, 2015. (Doc. No. 22, Ex. 2.)
2. Plaintiff moved to strike Defendant's March 25, 2015 motion on April 1, 2015 (Doc. No. 27, Ex. 1)
3. Pursuant to local rules, deadline for Plaintiff to respond to Defendant Linde's dispositive motion is April 24, 2015.
4. Ruling in favor of Plaintiff on its April 1, 2015 motion to strike would preclude the need for Plaintiff to respond to Defendant's March 25, 2015 dispositive motion.

Motion for Leave

If this Court decides not to rule on Plaintiff's Objection to Dispositive Motion and Motion to Strike or denies Plaintiff's motion, Plaintiff moves this Court to grant either an additional twenty one (21) days from this Court's ruling on this motion in which to file its response to Linde's summary judgment briefing or set the summary judgment response deadline to May 26, 2015 pursuant to Rule 6(b)(1)(A).

1. Plaintiff's lead counsel Robert McCoy has preexisting conflicts. The involvement of McCoy is needed due to the complexity of the issues. The conflicts include:
  - a. April 20, 2015 to May 1, 2015 trial in *Krik v. Crane Co., et al.* (N.D. IL Case No. 10-cv-7435)
  - b. Appeal brief due April 22, 2015 in *Brezonick v. Employers Insurance Company of Wausau, et al.* (Wisconsin Court of Appeals Case No. 14-AP-2775)
  - c. Brief on the issues of the statute of repose and the safe place statute due on April 27, 2015 in *Ahnert, et al. v. CBS Corp., et al.* (E.D. WI Case No. 10-cv-156)
  - d. Summary judgment response due May 5, 2015 in *Mohn v. CBS Corp., et al.* (Milwaukee County Case No. 12-CV-1244)
2. The legal and factual issues involved in the motion for summary judgment are complex and require substantial time and resources to develop.
3. For the reasons stated above, the Plaintiff has good cause for an extension.

Relief Requested

Plaintiff requests that the Plaintiff's April 1, 2015 motion to strike be ruled upon. If the Court denies Plaintiff's April 1, 2015 motion or does not rule on it, Plaintiff requests an

additional twenty one days from this Court's ruling on this motion or until May 26, 2015 to file its motion for summary judgment response pursuant to Rule 6(b)(1)(A).

Dated: April 16, 2015

/s/ Robert G. McCoy  
Attorney for plaintiff

Robert G. McCoy  
Cascino Vaughan Law Offices, Ltd.  
220 South Ashland Ave.  
Chicago, IL 60607  
(312) 944-0600  
(312) 944-1870 (fax)  
[bmccoy@cvlo.com](mailto:bmccoy@cvlo.com)  
[ecf.cvlo@gmail.com](mailto:ecf.cvlo@gmail.com)